PATENT

ATTY. DKT. NO.: 57127/01-601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Levine

Application No.: 10/004,429

Filed: 10/25/2001

ATTN: REFUND

U.S. Patent and Trademark Office

Alexandria, VA

REQUEST FOR REFUND OF FILING FEE

1. REFUND REQUEST

On October 16, 2004, applicant mailed a Request for Continuing Examination application to the Patent Office. A copy of the Request for Continued Examination (RCE) Transmittal is attached. Applicant indicated on the Fee Transmittal that the filing fee was for a small entity in the amount of \$395.00.

Applicant's Deposit Account No. 06-0540 was charged \$790.00 on October 22, 2004 for the large entity filing fee of \$790.00, an excess charge of \$395.00 (copy of deposit account statement for 06-0540 for October 2004 attached).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being faxed to Refund, U.S. Patent and Trademark Office, facsimile telephone No. 703/308-6778 this 17th day of December, 2004.

Mancy J. Moore
Nancy J. Mobile

2. FEES CHARGED FOR WHICH REFUND REQUESTED

X Fee Code #1801 - Request for continued exam (Large Entity)

\$790.00

3. FEES WHICH SHOULD HAVE BEEN CHARGED

X Fee Code #2801 - Request for Continued Exam
(Small Entity)

\$395.00

TOTAL REFUND REQUESTED §

\$395.00

4. EXPLANATION OF WHY CHARGES SHOULD BE REFUNDED.

Applicant correctly indicated the small entity filing fee of \$395.00 was to be charged to Deposit Account 06-0540; however, the Patent Office overcharged the Deposit Account by \$395.00.

5. MANNER OF REFUND

Please make refund by crediting Account No. 06-0540.

12/17/04

Fred Holmes

(Date)

Registration No. 43677

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FACSIMILE COVER SHEET

Date: December 17, 2004

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ТО	COMPANY NAME	FAX NUMBER
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FROM:

Fred H. Holmes, Esq.

Attorney Docket No. 57127/01-601

Re:

In re application of: Seymour LEVINE

Serial No.: 10/004,429 Filing Date: 10/25/2001

FELLERS, SNIDER, BLANKENSHIP, BAILEY & TIPPENS, P.C.

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AUTO QUOTE: <u>57127</u>

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MESSAGE: Attached please find a Request for Refund of Filing Fee against the Deposit Account of the undersigned, No. 06-0540. Please do not hesitate to contact us should you have any questions.

Thank you.

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For Continued Examination (RCE) Transmittal Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10/004,429		
	Filing Date	10/25/2001		
	First Named Inventor	Levine		
	Art Unit	3661		
	Examiner Name	Gary Chin		
	Attorney Docket Number	57127/01-601		
sis is a Request for Continued Examination (RC equest for Continued Examination (RCE) practice under 37 Class, or to any design application. See Instruction Sheet for RC Submission required under 37 CFR 1.114 Not amendments enclosed with the RCE will be entered in applicant does not wish to have any previously filed unamendment(s). a. Previously submitted. If a final Office action is considered as a submission even if this box is i. Consider the arguments in the Appeal II ii. Other b. X Enclosed i. X Amendment/Reply ii. Affidavit(s)/Declaration(s)	FR 1.114 does not apply to any utility. CEs (not to be submitted to the USPTO the If the RCE is proper, any previous the order in which they were filed usentered amendment(s) entered, apply so outstanding, any amendments files in not checked. Brief or Reply Brief previously filed of the initial information Discloses.	or plant application filed p O) on page 2. Isly filed unentered amerinless applicant instructs plicant must request nor d after the final Office ac	ndments and sotherwise. If n-entry of such cition may be	
a. Suspension of action on the above-identified appended of months. (Period of suspension b. Other	application is requested under 37 C shall not exceed 3 months; Fee under 3	FR 1.103(c) for a 37 CFR 1.17(i) required)	UCI 2 5 2	004
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i. X RCE fee required under 37 CFR 1.17(e	o) - \$395.00			
ii. X Extension of time fee (37 CFR 1.136 ar	-	.00		
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and

Trademark Office on the date shown below.

Name (Print/Type) Nancy J. Moore

Signature

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Adjustment date: 01/24/2005 SDIRETA1 10/22/2004 MMEKUNEN 00000070 060540 10004429 01 FC:1801 790.00 CR

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